IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.64 OF 2003
WITH
FAMILY COURT APPEAL NO. 37 OF 2003

WITH
FAMILY COURT APPEAL NO.73 OF 2003

Dr.(Mrs) Sharmila Avinash Jadhav
..Applicant/Appellant

versus

Dr.Avinash Laxman Jadhav ..Respondent.

Mr.D.K.Ghaisas for the Applicant/Appellant

Ms.Sanober P. Nanawati for the Respondent

Coram : S.B.Mhase &
S.R.Sathe, JJ.
Dated : 5th October, 2006

P.C.

1. Mr. Ghaisas, learned Counsel for the wife Dr. Sharmila Avinash Jadhav and Mr. Nanawati for the respondent-husband Dr.Avinash Laxman Jadhav present. Dr. Sharmila Jadhav is present while Dr. Avinash Jadhav is absent and he is reported to be in England. His Power of Attorney Holder Mrs. Hemangi Ashok Jadhav, sister in law is present. The dispute between the husband and wife is in respect of certain money. The same has been settled amongst themselves and while settling the said dispute they

have settled the other disputes also namely in respect of the custody of the child Tanaya. The amount is to be paid and received between the parties equally for the welfare of the child Tanaya and the consent terms have been arrived at by the parties. The consent terms have been signed by Dr. Avinash Jadhav-husband at England, before the Notary Public Robert Jones and accordingly there are endorsements. In addition to that, by way of abundant precaution we have got the said signature identified by Dr. Sharmila Jadhav being the wife and the contesting party in the present case against the husband Dr. Avinash Jadhav. In addition to signing the consent terms as a party, she has signed in token of the signature of Dr. Avinash Jadhav being genuine. This signature of Dr. Avinash Jadhav is also identified and confirmed by Mrs. Hemangi Ashok Jadhav, Power of Attorney Holder of Dr. Avinash Jadhav. Thus, we are satisfied that the signature of Dr.Avinash Jadhav is true and genuine and he has consented to this consent terms voluntarily, since the signature has been made in the presence of Notary Public Mr. Robert Jones. The wife Sharmila has also signed in token of accepting the consent terms. Apart from that the counsel for the husband and wife respectively have

signed the consent terms. As per the condition No.6 of the consent terms the amount of Rs.27,50,000/- is to be kept in the name of Tanaya on being paid by Dr. Avinash Jadhav as stated in the terms and conditions and therefore the learned Counsel for the wife Mr. A.K.Ghaisas has filed the certificate that the compromise is in the interest of minor Tanaya. The wife Dr. Sharmila Avinash Jadhav being the mother and guardian has also filed certificate to the effect that the consent terms are in the interest of minor Tanaya. In view of these facts, we find that the consent terms have been arrived at voluntarily between the parties and we hereby accept the consent terms. We also accept the undertaking given by the parties in the said consent terms. The consent terms is marked Exhibit "X", Certificate given by Advocate Ghaisas is marked Exhibit "Y" and the certificate of Dr. Sharmila Avinash Jadhav is marked Exhibit "Z".

3. We, therefore, direct the office to draw decree in terms of consent terms. In addition to that we direct that the amount of Rs.27,50,000/- which is to be kept in the name of minor Tanaya shall be deposited in the bank paying higher interest. The deposit slip shall show that Dr.

Sharmila Avinash Jadhav is guardian of the minor child Tanaya. A copy of the said fixed deposit receipt shall be submitted to this court within a period of one month. The said slip shall not be encashed and or encumbered during the minority period unless appropriate permission from the court is obtained to that effect.

. The Appeals and Civil Applications are disposed of accordingly.

. Certified copy expedited.

(S.R.Sathe, J.) **(S.B.Mhase, J.)**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.39 OF 2005
IN
FAMILY COURT APPEAL NO. 37 OF 2003

Dr.(Mrs) Sharmila Avinash Jadhav
..Appellant

versus

Dr.Avinash Laxman Jadhav ..Respondent.

And

Dr.Shailaja Avinash Patwardhan ..Applicant
Mr.D.K.Ghaisas for the Applicant/Appellant

Ms.Sanober P. Nanawati for the Respondent

Ms. Priscilla Nadar I/b. Raymond Samuel for the Applicant

Coram : S.B.Mhase &
S.R.Sathe, JJ.
Dated : 5th October, 2006

P.C.

. In view of the Order passed in Family Court Appeal 37 of 2003, this Civil Application does not survive, hence disposed of accordingly.

(S.R.Sathe, J.) (S.B.Mhase, J.)